

REMARKS/ARGUMENTS

Election/Restriction:

The Action dated May 9, 2007 requires an election of one of the following Species:

- The embodiment of Figs. 1 & 2;
- The embodiment of Fig. 3;
- The embodiment of Fig. 4;
- The embodiment of Figs. 5-8;
- The embodiment of Figs. 9 & 10;
- The embodiment of Fig. 11;
- The embodiment of Fig. 12;
- The embodiment of Fig. 13; and
- The embodiment of Figs. 14-15.

Applicants elect to prosecute the Species embodiment of Figs. 14-15. Claims 1-4, 6, 7, 9, 10, and 12-19 read on the elected Species.

As to the restriction of the Species including Figs. 1-12, the Election is made without traverse. Accordingly, claims 23-58 are cancelled as drawn to non-elected species.

As to the Restriction between the Species of Fig 13 and the Species of Figs. 14-15, however, the election of the Fig. 14-15 species is made with traverse. Figs. 14-15 disclose a particular clutch mechanism for a power tool. Fig. 13 is merely a power tool incorporating the particular clutch subassembly of Figs. 14-15. Claims 1-19 (less those canceled) are directed to elements of the subject clutch assembly. Amended Claims 21 and 22 and new claims dependent there from are directed to the Fig. 13 power tool incorporating the clutch assembly of Figs. 14-15. Therefore the power tool and clutch assembly are in the relationship of a Combination and Subcombination. Thus, the inventions are distinct if it can be shown that the combination as claimed:

- (A) does not require the particulars of the subcombination as claimed for patentability, and

(B) the subcombination can be shown to have utility either by itself or in another materially different combination.

See MPEP §806.05(a). Here, the combination as claimed does require the particulars of the subcombination to establish patentability. As the power tool with clutch assembly combination are claimed in amended claims 21 and 22 and the new dependent claims 59-64, particular limitations of the subcombination clutch assembly are included in all the claims to the combination power tool. As such, the subcombination is essential to the combination. "Where the combination as claimed requires the details of the subcombination as separately claimed . . . [t]he inventions are not distinct and a requirement for restriction must not be made or maintained." MPEP §806.05(c).I. Therefore, the Applicants respectfully assert that a restriction between the Species of Figs. 14-15 and Fig. 13 is not justified and that claims 21, 22, and 59-64 should be considered together with claims 1-4, 6, 7, 9, 10, and 12-19.

Preliminary Amendment:

Claims 5 and 8 are cancelled for lack of support in the drawings.

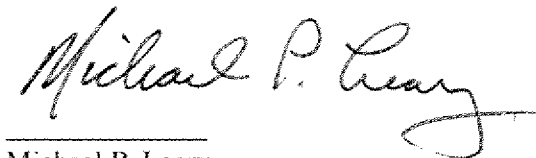
Claims 11 and 20 are cancelled due to improper form.

Claims 2-4, 6, 7, 9, 10, and 13-19 are amended to eliminate multiple dependency and/or to improve the form of the claim.

Claims 20 and 21 are amended to adapt the form of the claims to US practice.

New claims 59-64 are submitted for consideration

Respectfully submitted



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